

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

IN RE: **William S Hodge**
Ayita Hodge
Debtor(s)

Case No.

Chapter 13 Proceeding

☐ **AMENDED** ☐ **MODIFIED**
DEBTOR(S)' CHAPTER 13 PLAN
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at www.txwb.uscourts.gov.

Use of the singular word "Debtor" in this Plan includes the plural where appropriate.

Plan Summary

- A. The Debtor's Plan Payment will be \$750.00 Monthly, paid by ☒ Pay Order or ☐ Direct Pay for 50 months. The gross amount to be paid into the plan is \$37,500.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 1% of each unsecured allowed claim.
- THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.
- C. The value of the Debtor's non-exempt assets is \$0.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

- ☒ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☐ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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Continuation Sheet # 1

II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
Santander Consumer USA 2011 Infiniti G37	\$165.00	
Texas Partners Fcu 2010 Chevy Suburban	\$170.00	

III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
Santander Consumer USA 2011 Infiniti G37	\$22,690.90	\$13,000.00	Variable*	5.25%	\$14,395.26	

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Continuation Sheet # 2

Texas Partners Fcu 2010 Chevy Suburban	\$13,526.00	\$15,900.00	Variable*	5.25%	\$14,987.21
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"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on
July 28, 2017 *."*

/s/ William S Hodge
Debtor

/s/ Ayita Hodge
Joint Debtor

V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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VI. Specific Treatment for Payment of Allowed Claims

1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS

A. Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, **MUST** be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Sharon Boothe		\$0.00	\$273.00

B. Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
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Continuation Sheet # 4

F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).
Describe treatment for the class of general unsecured creditors.

General Unsecured Creditors will receive approximately 1% of their allowed claims.

Totals:

Administrative Claims	<u>\$1,309.00</u>
Priority Claims	<u>\$0.00</u>
Arrearage Claims	<u>\$0.00</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$26,526.00</u>
Unsecured Claims	<u>\$251,782.87</u>

VII. Supplemental Plan Provisions

The following are the Supplemental Plan Provisions:

Debtor's attorney fees

Disbursements by the Chapter 13 Trustee to Davis Law Firm for Debtor's attorney fees shall be reduced as necessary to allow for disbursements of fixed amounts to secured creditors as provided by this Plan.

Respectfully submitted this date: 7/28/2017.

/s/ Evan Simpson

Evan Simpson
3925 A S. Jack Kultgen Fwy.
Waco, TX 76706
Phone: (254) 399-9977 / Fax: (254) 399-9909
(Attorney for Debtor)

/s/ William S Hodge

William S Hodge
51404 Tiguas Dr, #2
Fort Hood, TX 76544
(Debtor)

/s/ Ayita Hodge

Ayita Hodge
51404 Tiguas Dr, #2
Fort Hood, TX 76544
(Joint Debtor)

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CHAPTER **13**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on July 28, 2017, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

/s/ Evan Simpson

Evan Simpson
Bar ID:24060612
Davis Law Firm
3925 A S. Jack Kultgen Fwy.
Waco, TX 76706
(254) 399-9977

AAFMAA Headquarters
xx5706
102 Sheridan Ave.
Fort Myer, VA 22211-1110

Capital One
xxxx-xxxx-xxxx-3397
15000 Capital One Dr
Richmond, VA 23238

Comenitycap/chldplce
xxxxxxxxxxxxx7506
Po Box 182120
Columbus, OH 43218

Afni, Inc.
xxxxxx9948
Po Box 3097
Bloomington, IL 61701

Chase Bank
National Payment Services
PO Box 182223
Columbus, OH 43218

Comenitycapital/gem
xxxxxxxxxxxxx6647
3100 Easton Square Pl
Columbus, OH 43219

Barclay's Bank Delaware
xxxxxxxxxxxxx4699
PO BOX 8803
Wilmington, DE 19899

Citi/cbna
xxxxxxxxxxxxx1087
Po Box 6497
Sioux Falls, SD 57117

Consumer Adjustment
xxxx4975
800 Prime Place
Hauppauge, NY 11788

Capital One
xxxx-xxxx-xxxx-7657
15000 Capital One Dr
Richmond, VA 23238

Comenity Bank/Victorias Secret
xxxxxxxxxxxxx3585
Attn. Bankruptcy
P.O. Box 182686
Columbus, OH 43215

Credit First N A
xxxxx9291
Pob 81315
Cleveland, OH 44181

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CHAPTER **13**

CERTIFICATE OF SERVICE

(Continuation Sheet #1)

Dfas-cl Indianapolis
Attn: Customer Service Dept 3300
8899 # 56th St
Indianapolis, IN 46249

Kohls/capone
xxxxxxxxxxxx6824
N56 W 17000 Ridgewood Dr
Menomonee Falls, WI 53051

Military Star
xxxxxxxxxxxx3400
3911 Walton Walker
Dallas, TX 75266

First Premier Bank
xxxx-xxxx-xxxx-5580
P.O. Box 5147
Sioux Falls, SD 57117-5147

Lvnv Funding LLC
xxxx-xxxx-xxxx-7447
PO Box 10497
Greenville, SC 29603

Military Star
xxxxxxxxxxxx1671
3911 Walton Walker
Dallas, TX 75266

Ft. Hood National Bank
PO BOX 5000
Ft. Hood, TX 76544

Mabt/confin
xxxx-xxxx-xxxx-8347
121 Continental Dr Ste 1
Newark, DE 19713

Navy Federal Cr Union
xxxxxxxxxxxx9579
Po Box 3700
Merrifield, VA 22119

Harris Jewelry
2100 S WS Young
Killeen, TX 76541

Mabt/confin
xxxx-xxxx-xxxx-2053
121 Continental Dr Ste 1
Newark, DE 19713

Navy Federal Cr Union
xxxxxxxxxxxx7477
Po Box 3700
Merrifield, VA 22119

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Midwest Recovery Syste
xxxxxxx0922
2747 W Clay St Ste A
Saint Charles, MO 63301

Navy Federal Cr Union
xxxx-xxxx-xxxx-3010
820 Follin Lane Se
Vienna, VA 22180

Jefferson Capital Syst
xxxxxxxxxx6003
16 Mcleland Rd
Saint Cloud, MN 56303

Military Star
xxxxxxxxxxxx3097
3911 Walton Walker
Dallas, TX 75266

Navy Federal Cr Union
xxxxxx6159
Po Box 3700
Merrifield, VA 22119

Kay Jewelers
xxxxxx7292
375 Ghent Rd.
Akron, OH 44333

Military Star
xxxxxxxxxxxx8246
3911 Walton Walker
Dallas, TX 75266

Navy Federal Cr Union
xxxxxxxxxxxx1121
Po Box 3700
Merrifield, VA 22119

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CHAPTER **13**

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(Continuation Sheet #2)

Navy Federal Cr Union
xxxxxxxxxxxxx8198
Po Box 3700
Merrifield, VA 22119

Ray Hendren
3410 Far West Blvd. #200
Austin, TX 78731

Texas Partners Fcu
xxxxx0400
Po Box 1389
Killeen, TX 76540

Navy Federal Cr Union
xxxxxx5218
Po Box 3700
Merrifield, VA 22119

Santander Consumer USA
xxx0212
Attn: Bankruptcy Dept.
P.O. Box 560284
Dallas, TX 75356-0284

The National Banks of Cen TX
905 E Main St
Gatesville, TX 76528

Navy Federal Cr Union
xxxxxxxxxxxxx6895
820 Follin Ln Se
Vienna, VA 22180

Sharon Boothe
xxxxxxx9107
410 Holly Dr.
Albany, GA 31705

U.S. Dept of Veterans Affairs
PO Box 11930
Saint Paul, MN 55111

Navy Federal Cr Union
xxxxxx8800
Po Box 3700
Merrifield, VA 22119

Source Receivables Management
xxxx9155
PO Box 4068
Greensboro, NC 27404-4068

University Of Phoenix
xxxxxx1041
4615 E Elwood St Fl 3
Phoenix, AZ 85040

Onemain
xxxxxxxxxxxxx7691
Po Box 1010
Evansville, IN 47706

Syncb/amazon
xxxxxxxxxxxxx9901
Po Box 965015
Orlando, FL 32896

US Department of Education
xxxious
3015 South Parker Road Suite 400
Aurora, CO 80014-2904

Pentagon Federal Credit Union
Attn: Bankruptcy Dept.
2930 Eisenhower Avenue
Alexandra, VA 22314

Syncb/jcp
xxxxxxxxxxxxx1148
Po Box 965007
Orlando, FL 32896

USAA
PO Box 829009
Dallas, TX 75382-9009

Portfolio Recovery Ass
xxxxxxxxxxxxx2736
120 Corporate Blvd Ste 1
Norfolk, VA 23502

Syncb/walmart
xxxxxxxxxxxxx1044
PO Box 965004
Orlando, FL 32896

Wfdillards
xxxxxxxxxxxxx0321
Po Box 14517
Des Moines, IA 50306

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CHAPTER 13

CERTIFICATE OF SERVICE
(Continuation Sheet #3)

William S Hodge
51404 Tiguas Dr, #2
Fort Hood, TX 76544